

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG**

**JONATHAN M. CRAWFORD,  
Petitioner,**

v.

**CIVIL ACTION NO. 3:04CV23  
CRIMINAL ACTION NO. 3:02CR35  
(BROADWATER)**

**UNITED STATES OF AMERICA,  
Respondent.**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated June 3, 2005. The petitioner did not file objections to the Report. However, in the interests of justice and in accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation (**Docket # 15**) should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** that the petition of the petitioner be **DENIED and DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that petitioner's Motion to Amend (**Docket # 4**) is **DENIED** based on the reasons set forth in the Magistrate Judge's Report. Finally, it is **ORDERED** this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

**DATED** this 13<sup>TH</sup> day of October, 2005.

  
**W. CRAIG BROADWATER**  
**UNITED STATES DISTRICT JUDGE**

